

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00271-MOC**

RASAADI LENNOX HERNANDEZ,)
a/k/a JUAN CARLOS HERNANDEZ)
NAVARRETE-CESTUI QUE-TRUST)
and CARLOS HERNANDEZ,)
)
Plaintiff,)
)
vs.)
)
)
JOHN DOE, et al.,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on review of the docket in this matter.

Pro se Plaintiff RaSaadi Lennox Hernandez (“Plaintiff”) filed this action on September 14, 2023, pursuant to 42 U.S.C. § 1983, against Defendants John Doe and Ronnie Honeycutt. [Doc. 1]. The Court conducted initial review of Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915(e)(2). [Doc. 15]. The Court transferred a portion of Plaintiff’s Complaint to the Eastern District of North Carolina where that part arose and, relative to the remainder, found that Plaintiff failed to state a claim upon which relief can be granted and allowed Plaintiff thirty (30) days from December 19, 2023, to amend his Complaint in accordance with the terms of the Court’s Order. [Id. at 6]. The Court advised Plaintiff that if he failed to timely file an amended Complaint, this action would be dismissed without prejudice and without further notice to Plaintiff. [Id.].

More than 30 days have passed, and Plaintiff has not filed an amended Complaint.¹ The

¹ The Court notes that Plaintiff mailed an Addendum to his Complaint [Doc. 16] on December 18, 2023 [see Doc. 16-1], the day before the Court entered its initial review Order. The Addendum, which was received by the Court on December 27, 2023 [see id.], would have made no difference in the outcome of the Court’s initial review.

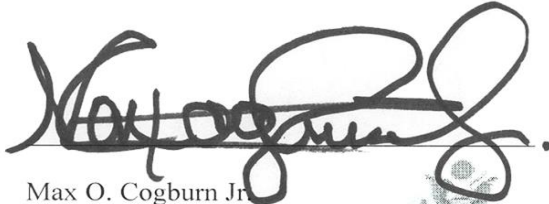
Court will, therefore, dismiss this action without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that this action is dismissed without prejudice.

The Clerk is instructed to terminate this action.

Signed: February 21, 2024



Max O. Cogburn Jr.
United States District Judge